IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO: 5900 of 2005

Between:

K. Subramanyam S/o Kannappa Mudaliar
R/o 11/63, Indira Nagar, Nagari, Chittoor District

... PETITIONER

AND

1 The Deputy Director of Mines & Geology, Kadapa, Kadapa

District
2 The Assistant Director of Mines & Geology, Chittoor, Chittoor

District
3 The Sub-Inspector of Police, Nagari Police Station, Nagari,

Chittoor District
4 P. Chenga Reddy S/o P. Narasimha Reddy Ramapuram

Village, nagari Mandal, Chittoor District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents-1 to 3 herein in not taking any action against the 4th respondent to protect the right of the petitioner herein to carry on quarry operations over the land to an extent of 1.466 hectares in Survey No. 87 of Gundraju kuppam village, Nagari Mandal, Chittoor District as per the quarry lease granted in his favour vide proceedings of the 2nd respondent vide progs. No. 344/Q/97 dt 18-06-1997 valid upto 17-06-2007 as arbitrary, illegal and contrary to

law and consequently direct the respondents 1 to 3 herein to provide protection to the petitioner to carry on his quarry operations over the said land as usual by taking appropriate action against the 4th respondent herein forthwtih and further declare the action of the 4th respondent in giving me the threat on 18-3-2005 is in violation of Article 300-A of the Constitution; pass such other or further orders as are necessary.

Counsel for the Petitioner:MR.I.NAVEEN KUMAR

Counsel for the Respondents 1 to 3: GP FOR MINES AND GEOLOGY

The Court at the stage of admission made the following :

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ORDER:

The grievance of the petitioner is that when fourth respondent interfered with his possession he made a complaint to respondents 1 to 3, but they are not protecting his possession from the 4th respondent.

2. If fourth respondent is interfering with his possession of the property leased out to him, remedy of the petitioner is to file a suit in a civil Court against the fourth respondent for appropriate relief, but no relief under Article 226 of the Constitution of India can be granted to him for such interference by the 4th respondent.

3. The writ petition therefore is dismissed at the stage of admission. No costs.

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C.Y.SOMAYAJULU, J

Dated: 22.03.2005

RAR

To

1 The Deputy Director of Mines & Geology, Kadapa, Kadapa

District
2 The Assistant Director of Mines & Geology, Chittoor, Chittoor

District
3 The Sub-Inspector of Police, Nagari Police Station, Nagari,

Chittoor District
4 2 CCs to G.P for Mines & Geology, High Court Buildings,

Hyderabad (OUT)

5 2 CD copies.